

what quality or quantum of evidence would be required to support a finding that the proposed facility would be “detrimental.” The staff also lacked familiarity with any official policy on these or other issues that might have been reflected in other gaming decisions.

In early January 1995, Slagle and Hartman met with two or three representatives of the applicants, including Mole Lake Chairman Arlyn Ackley and a member of the Red Cliff tribe. The purpose of the meeting apparently was for the applicants to introduce themselves and to explain the application. Thereafter, Hartman had frequent conversations with DuWayne Derickson of Mole Lake, both on the phone and in person at DOI. Derickson testified that he would regularly drop in on the IGMS and see Hartman whenever he was in Washington.

Slagle and Hartman next spent the week of Jan. 23, 1995, at the Lakewood, Colo., office of the IGMS reviewing and evaluating the application with Ramirez. During that time, the three began to write their tentative conclusions about the aspects of the application on which each was focused: Hartman on the financial aspects of the deal between the tribes and their non-Indian partner, and the claimed financial detriment to the surrounding community; Slagle on the environmental impact; and Ramirez on land acquisition issues. Ramirez did most of the drafting with input from the others. Hartman edited the document, with some review by Ramirez, after he returned to Washington.

While the Area Offices are delegated the authority to take many actions and make many decisions without input from Washington, that was not the case with off-reservation gaming in 1995. As discussed above at 42-43, the Secretary of the Interior in the Bush Administration centralized such power in Washington. Secretary Babbitt continued the policy.